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June 1, 2007

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: WC Docket No. 06-172; *In the Matter of Petitions of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence and Virginia Beach Metropolitan Statistical Areas*

Dear Ms. Dortch:

On behalf of TEXALTEL and its members,¹ this letter is filed in support of the Motion to Dismiss, or in the Alternative, to Deny Petitions for Forbearance on the Basis of Late-Filed Data filed by ACN Communications Services, Inc., *et al.* ("Motion to Dismiss") filed on May 22, 2007 in the above-referenced docket.

TEXALTEL's members are competitive local exchange companies ("CLECs") that operate in the State of Texas. Many of TEXALTEL's members also provide service in other states, including those directly affected by Verizon Telephone Companies' ("Verizon") petition for forbearance in six markets. All of TEXALTEL's members provide competitive services to consumers in the Verizon and AT&T service territories.

TEXALTEL supports the Motion to Dismiss. First, because forbearance petitions of this nature likely have a direct and significant impact on any competitive carrier, and ultimately their end user customers, it is imperative that the vital data used to support such petitions is proffered at the outset of the process

¹ TEXALTEL is a trade association of 26 competitive carriers and suppliers operating in the state of Texas. TEXALTEL has been in operation since 1982 and its members provide service in Texas and across the United States.

to allow the FCC, key stakeholders, and affected CLECs a meaningful opportunity for review, analysis, and comment. Since forbearance petitions trigger a statutory deadline (and since those petitioning for forbearance completely control the timing of their filings), without timely and full disclosure of all data relied upon, it will be difficult, if not impossible, to reach a fair and reasoned decision on the merits.

Second, while the six markets subject to Verizon's petitions are not in the State of Texas, the remedies sought in the Motion to Dismiss represent a needed check and balance for not only Verizon's petitions, but also for future forbearance petitions. Because of the problems associated with Verizon's petitions, and due to the potential for similar forbearance petitions in the future, it is necessary for the FCC to establish a reasonable requirement for those petitioning for forbearance to timely and fully disclose all data supporting their petitions.

We believe such a requirement is reasonable so that, in future forbearance proceedings more directly impacting our members, the petitioners will produce the full universe of information supporting their requests at the outset. Establishing such an explicit requirement would also obviate the need for the Commission and industry to repeatedly rehash this issue, which would be both costly and unduly burdensome. It is imperative to the public interest that neither these proceedings nor future proceedings are tainted because of a petitioning party's failure to timely provide in full the data supporting its request.

The Motion to Dismiss will provide rational and important guidelines for this and other forbearance petitions that will lead to an opportunity for affected stakeholders to analyze and review data, and should ultimately result in more reasoned decision-making on the merits of the petition. TEXALTEL supports the Motion to Dismiss and asks the FCC to dismiss or deny Verizon's petitions as being in the public interest.

Thank you for your consideration of this letter and the Motion to Dismiss.

Sincerely,

Sheri Hicks, Policy Director

Charles D. Land, P.E., Executive Director